



San Diego City Attorney **CASEY GWINN**

MEDIA RELEASE

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BRAKE DEPOT CONVICTED OF CONTEMPT IN MISLEADING ADVERTISING CASE

Brake Depot Inc., under fire by City, County, and State prosecutors for its advertising and business practices in San Diego, pled no contest today to eight misdemeanor counts of criminal contempt of a prior court order. The charges stemmed from a 1998 undercover investigation of company-owned Brake Depot stores in San Diego by the California Bureau of Automotive Repair. According to information provided by the Bureau, Brake Depot routinely recommended and charged for unnecessary repairs, sometimes charging more than four times Brake Depot's advertised price of \$99.88 for a "friction reline."

Under the terms of a plea agreement with the San Diego City Attorney and District Attorney, Brake Depot cannot own or operate automotive repair shops in California unless authorized by the Bureau of Automotive Repair. The company must also pay more than \$76,000 in court fines and investigative costs, and another \$75,000 in *cy pres* restitution to the San Diego County Office of Education, for use in the Auto Technology program. The sentence also includes a five-year term of probation for the company.

The San Diego City Attorney and District Attorney prosecuted the company and its responsible officers in 1996 for misleading advertising and unfair competition. Under the terms of the settlement in that civil case, the defendants paid \$100,000 in monetary relief and were permanently enjoined from committing similar offenses in the future. The present criminal case charged Brake Depot with violating the injunction in the 1996 case. Neither of the cases involved any of the independently owned Brake Depot franchises in San Diego.

"The sentence in this case should send a strong message to any unscrupulous automotive repair dealer operating in San Diego that we take these cases very seriously," said City Attorney Casey Gwinn. "We will do everything we can to protect San Diegans from business owners who violate California's consumer protection laws," Gwinn added.

Anyone who has a complaint against an automotive repair shop should contact the Bureau of Automotive Repair at (800) 952-5210.

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